

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
5:12-CV-310-BO

GENERAL PARTS DISTRIBUTION LLC)
d/b/a CARQUEST AUTO PARTS, and)
GENERAL PARTS, INC.,)
)
 Plaintiffs,)
)
 v.)
)
JENNISON PERRY,)
)
 Defendant.)

ORDER

This case comes before the court on three motions concerning the pretrial schedule in this case: (1) a motion (D.E. 114) by plaintiffs General Parts Distribution LLC d/b/a Carquest Auto Parts and General Parts, Inc. (collectively “plaintiffs”) to extend the deadline for completion of all fact discovery set forth in the Scheduling Order (D.E. 55 ¶ 1) for the limited purpose of allowing plaintiffs to take two depositions; (2) a motion (D.E. 123) by defendant Jennison Perry (“defendant”) to extend the fact discovery completion deadline for all parties and without limitation to particular discovery proceedings; and (3) plaintiffs’ motion (D.E. 148) to stay the dispositive motion deadline (*see* Sch. Order ¶ 3) pending resolution of outstanding discovery motions. The motions have been fully briefed (*see*, respectively, D.E. 115 & 121; D.E. 124 & 130; D.E. 149) and referred to the undersigned for determination pursuant to 28 U.S.C. § 636(b)(1)(A) (*see* 2d Minute Entry dated 3 Apr. 2013 after D.E. 151).

Defendant does not oppose plaintiffs’ motion to allow an extension of the fact discovery deadline to take the two depositions, but contends that the broader extension sought in his motion

is necessary. Plaintiffs oppose the broader extension. Plaintiffs' motion to stay the dispositive motion deadline is unopposed.

The court finds that, in light of the numerous discovery disputes pending in this case, among other circumstances, good cause exists for the broader extension of the fact discovery completion deadline defendant seeks and that the extension should be through 3 June 2013. *See* Fed. R. Civ. P. 16(b)(4). However, good cause has not at this point been shown for a stay of the current dispositive motion deadline of 1 July 2013. That deadline is approximately 30 days after the extended deadline for completion of all fact discovery provided for herein as well the deadline for completion of expert discovery, which is also 3 June 2013.

IT IS THEREFORE ORDERED as follows:

1. Defendant's motion (D.E. 123) to extend the fact discovery completion deadline is ALLOWED.
2. The deadline for completion of all fact discovery set forth in paragraph 1 of the Scheduling Order is MODIFIED as follows: all fact discovery shall be commenced in time to be completed by 3 June 2013.
3. Plaintiffs' motion (D.E. 148) to stay is DENIED.
4. Any potentially dispositive motions shall be filed by 1 July 2013, in accordance with paragraph 3 of the Scheduling Order.
5. All other provisions in the existing Scheduling Order remain in effect.
6. Plaintiffs' motion (D.E. 114) to extend is DENIED AS MOOT.

SO ORDERED, this the 12th day of April 2013.



James E. Gates
United States Magistrate Judge